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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,524	12/23/2003	Alexander Wellen	81818-4000	7334
28765	7590	01/24/2006	EXAMINER	
WINSTON & STRAWN LLP 1700 K STREET, N.W. WASHINGTON, DC 20006			KAYES, SEAN PHILLIP	
			ART UNIT	PAPER NUMBER
			2841	

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/743,524

Applicant(s)

WELLEN, ALEXANDER

Examiner

Sean Kayes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/23/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 8, 7, 12, and 16 are objected to because of the following informalities:

In claim 8 “a preselected times” should be corrected to read “selected times” or “a preselected time”.

In claim 7 it is unclear what is intended by the term “pie shaped.” It is not clear if applicant means a shape like a slice of pie, i.e. triangular with a curved edge, or completely circular like a whole pie.

In claim 12 “twelve hour” should be hyphenated to be “twelve-hour.”

In claim 16 “a plurality of movable portions within the display are and movable” the use of the word “are” appears to be a typo. It sounds like the word “are” in the above quote is meant to be “area.”

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

— A person shall be entitled to a patent unless —

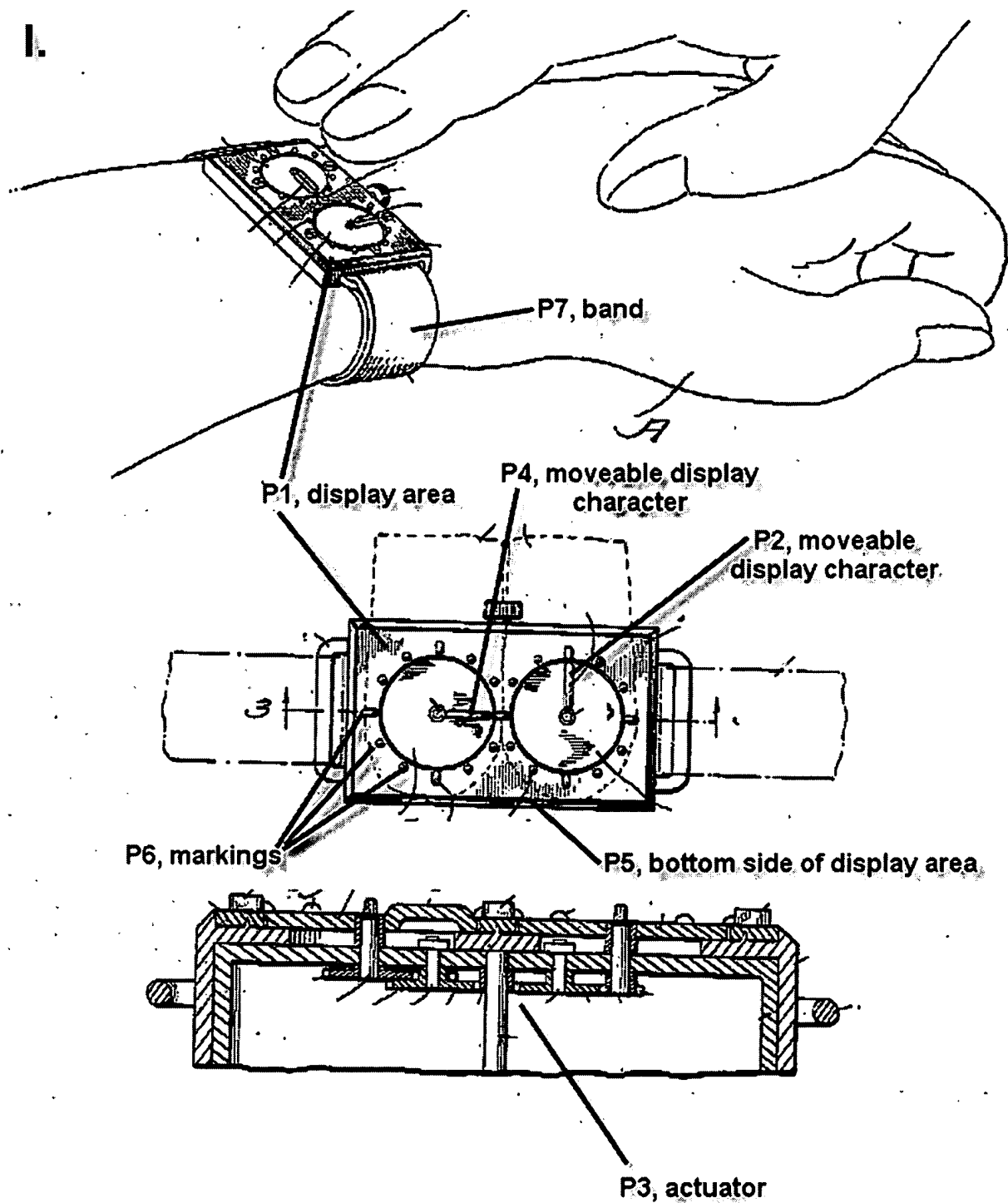
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Walser (US 2177234.)

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4. With respect to claim 1 Walser discloses a tactilely readable timepiece, comprising: a clock device configured for keeping time; a display comprising: a display area (P1, picture I. provided below), at least one movable portion (P2) within the display and movable with respect thereto to form at least one displayed character that is recognizable by touch by a user, the displayed character (P2 forms the character with its position relative to the rest of the watch) having a tactilely sensible shape that is independent of a system of dots; and an actuator (P3) operably associating the clock device to the movable portion for displacing and positioning the movable portion to form the displayed character depending on the current time kept by the clock device.

I.



5. With respect to claim 2 Walser discloses the timepiece of claim 1, wherein the displayed character (P2) is alphanumeric or geometrical.

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6. With respect to claim 3 Walser discloses the timepiece of claim 1, wherein the movable portion comprises a plurality of movably portions (P2 and P4), and the actuator (P3) is configured for cooperatively positioning the movable portions for creating the displayed character.

7. With respect to claim 4 Walser discloses the timepiece of claim 3, wherein the actuator (P3) is configured for changing the elevation of the movable portions (P2 and P4) with respect to the display area (P1) to form the displayed character (P2 and P4 are elevated relative to bottom side, P5, of the display area, P1.)

8. With respect to claim 5 Walser discloses the timepiece of claim 4, wherein the actuator (P3) is configured for elevating the movable portions (P2 and P4) above the display area to form the displayed character (P2 and P4 are rotated above the display area, P1.)

9. With respect to claim 6 Walser discloses the timepiece of claim 5, wherein the actuator (P3) is configured for depressing the movable portion (P2 and P4) below the display area (P1) to form the displayed character (P2 and P4.)

10. With respect to claim 7 Walser discloses the timepiece of claim 4, wherein the movable portions (P2 and P4) are generally pie shaped and are arranged generally around a central point, such that the height (height relative to P5) of at least one of the movable portions is changed with respect to the rest to indicate the general analog position corresponding to the time kept on the clock device.

11. With respect to claim 8 Walser discloses 8 the timepiece of claim 3, wherein the displayed character (P2 and P4) comprises one of different characters representing a

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preselected times kept by the clock device (for instance P4 flat and to the right of its rotational center, and P2 vertical and above its rotational center, refers to 3:00.)

12. With respect to claim 9 Walser discloses the timepiece of claim 3, wherein the displayed character (P2 and P4) is configured to be identified by a user by the orientation thereof, and has discrete positions in the display area.

13. With respect to claim 10 Walser discloses the timepiece of claim 1, wherein the displayed character (P2 and P4) is configured to be identified by a user by shape.

14. With respect to claim 11 Walser discloses a tactilely readable timepiece, comprising: a clock device configured for keeping time; a display comprising: a display area (P1, picture I.), a plurality of movable portions (P2 and P4) within the display area and movable with respect thereto to form at least one displayed character (P2 and P4 form the characters by position relative to the rest of the watch) that is recognizable by touch by a user, the displayed character (P2 and P4) having a tactilely sensible shape that is independent of a coded system of dots, wherein the displayed character (P2 and P4) comprises at least one of different characters to represent a preselected time kept by the clock device, each of the different characters having a shape that is sufficiently large to be determined by touch; and an actuator (P3) operably associating the clock device to the movable portions for displacing and positioning the movable portions to form the displayed character as the at least one of the different characters corresponding to the current time kept by the clock device.

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15. With respect to claim 12 Walser discloses the timepiece of claim 11, wherein the different characters (P2 and P4, the difference determined by position) represent at least each of the hours in a twelve hour period.

16. With respect to claim 13 Walser discloses the timepiece of claim 11, wherein the different characters (P2 and P4) comprise up to ten different characters.

17. With respect to claim 14 Walser discloses the timepiece of claim 11, wherein the different characters (P2 and P4, P4 is the minute hand and makes the representative characters for the various fractions of an hour) represent at fractions of an hour.

18. With respect to claim 15 Walser discloses the timepiece of claim 11, wherein the movable portions (P2 and P4) comprise elongated segments that form the displayed character.

19. With respect to claim 16 Walser discloses the timepiece of claim 15, wherein the movable portions (P2 and P4) are arranged as an at least seven-segment display (there are at least 7 segments of the display character, separated by the markings, P6.)

20. With respect to claim 17 Walser discloses the timepiece of claim 11, wherein the different characters (P2 and P4) comprise Arabic numbers (when P2 and P4 are vertical they form the Arabic number 1, and when they are both vertical they form the Arabic number 11.)

21. With respect to claim 18 Walser discloses the timepiece of claim 11, wherein the different numbers comprise geometric shapes that are distinguishable by finger touch (see figure 1 or picture I.)

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22. With respect to claim 19 Walser discloses the timepiece of claim 18, wherein the geometric shapes each has less than eight sides (said geometric shapes have only two finger distinguishable sides per movable portion and only 4 finger distinguishable sides counting both movable portions.)

23. With respect to claim 20 Walser discloses the timepiece of claim 11, wherein at least some of the displayed character is displayed on substantially a same location in the display area.

24. With respect to claim 21 Walser discloses the timepiece of claim 11, wherein the different characters (formed by P2 and P4) comprise a single digit (the number 11 when both movable portions are vertical) or shape (a figure 8 design with two lines.)

25. With respect to claim 22 Walser discloses the timepiece of claim 11, further comprising an indicator portion (P2 and P4) that is movable by the actuator (P3) between at least two tactilely sensible positions (the edges of the watch are raised to be tactilely sensible portions) to indicate the time kept on the clock device in combination with the displayed character (display character is formed by the position of P2 and P4.)

26. With respect to claim 23 Walser discloses the timepiece of claim 22, wherein the indicator comprises a plurality of indicators (P2 and P4), each with a position that in combination with the displayed character (formed by the position of P2 and P4 relative to the rest of the watch) indicates the time kept on the clock device.

27. With respect to claim 24 Walser discloses the timepiece of claim 23, wherein the plurality of indicators (P2 and P4) are disposed surrounding the display area.

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28. With respect to claim 25 Walser discloses the timepiece of claim 22, wherein the indicator (P2 and P4) is movable by the actuator (P3) along a path to more precisely indicate the time kept on the clock device in combination with the displayed character.

29. With respect to claim 26 Walser discloses the timepiece of claim 11, wherein at least two of the movable portions (P2 and P4) that form one of the different characters are sufficiently close such that any spacing there between is substantially undetectable by touch by a human finger pad (such is the case when P4 is to the right of its rotational center point and P2 is to the left of its rotational center point.)

30. With respect to claim 27 Walser discloses a wristwatch comprising: the timepiece of claim 11; and a band (P7) configured for mounting the timepiece to a user's wrist.

Conclusion

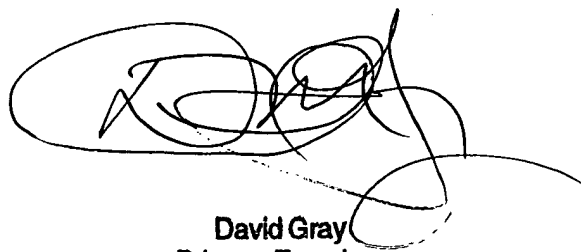
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Kayes whose telephone number is (571) 272-8931. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on (571) 272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK
12/28/05



David Gray
Primary Examiner